

ORIGINAL

COMMISSIONERS  
SUSAN BITTER SMITH - Chairman  
BOB STUMP  
BOB BURNS  
DOUG LITTLE  
TOM FORESE

OPEN MEETING IT



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ARIZONA CORPORATION COMMISSION

RECEIVED

DATE: APRIL 23, 2015

2015 APR 23 A 9 25

DOCKET NO.: T-03712A-15-0046

AZ CORP COMMISSION  
DOCKET CONTROL

TO ALL PARTIES:

Enclosed please find the recommendation of Administrative Law Judge Sasha Paternoster. The recommendation has been filed in the form of an Order on:

JOHN WISER D/B/A/ CACTEL (CACTUS TELECOMMUNICATION)  
(CC&N CANCELLATION)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Administrative Law Judge by filing an original and thirteen (13) copies of the exceptions with the Commission's Docket Control at the address listed below by 4:00 p.m. on or before:

MAY 4, 2015

The enclosed is NOT an order of the Commission, but a recommendation of the Administrative Law Judge to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Open Meeting to be held on:

MAY 12, 2015 and MAY 13, 2015

For more information, you may contact Docket Control at (602) 542-3477 or the Hearing Division at (602) 542-4250. For information about the Open Meeting, contact the Executive Director's Office at (602) 542-3931.

Arizona Corporation Commission  
DOCKETED

APR 23 2015

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JODI JERICH  
EXECUTIVE DIRECTOR

1200 WEST WASHINGTON STREET, PHOENIX, ARIZONA 85007-2927 / 400 WEST CONGRESS STREET, TUCSON, ARIZONA 85701-1347  
[www.cc.state.az.us](http://www.cc.state.az.us)

This document is available in alternative formats by contacting Shaylin Bernal, ADA Coordinator, voice phone number 602-542-3931, E-mail [SABernal@azcc.gov](mailto:SABernal@azcc.gov).

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 COMMISSIONERS

3 SUSAN BITTER SMITH – Chairman  
4 BOB STUMP  
5 BOB BURNS  
6 DOUG LITTLE  
7 TOM FORESE

8 IN THE MATTER OF THE APPLICATION OF  
9 JOHN WISER D/B/A CACTEL (CACTUS  
10 TELECOMMUNICATION) FOR APPROVAL  
11 TO CANCEL ITS CERTIFICATE OF  
12 CONVENIENCE AND NECESSITY TO  
13 PROVIDE CUSTOMER OWNED PAY  
14 TELEPHONE SERVICES.

DOCKET NO. T-03712A-15-0046

DECISION NO. \_\_\_\_\_

ORDER

11 Open Meeting  
12 May 12 and 13, 2015  
13 Phoenix, Arizona

14 **BY THE COMMISSION:**

15 Having considered the entire record herein and being fully advised in the premises, the  
16 Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

17 \* \* \* \* \*

18 **FINDINGS OF FACT**

19 1. In Commission Decision No. 61809 (June 29, 1999), the Commission granted John Wiser  
20 d/b/a CacTel (Cactus Telecommunication) ("John Wiser" or "Applicant") a Certificate of Convenience and  
21 Necessity ("CC&N") to provide customer owned pay telephone ("COPT") services in Arizona.

22 2. On February 19, 2015, John Wiser filed an application with the Commission requesting  
23 approval to cancel its CC&N to provide COPT services in Arizona. In the application, the Applicant  
24 waived the right to notice and a hearing to cancel the CC&N.

25 3. On April 15, 2015, the Commission's Utilities Division ("Staff") filed a Memorandum  
26 in response to John Wiser's application to cancel its CC&N. The application indicated John Wiser  
27 no longer provides COPT services in the State of Arizona. Staff states Mrs. Wiser indicated that she  
28 was authorized, as the widow of Mr. John Wiser, to file the application on behalf of the Applicant.  
According to Staff, the Commission's Consumer Services Section reported that no complaints,

1 inquiries, or opinions have been filed against John Wiser through March 5, 2015. Further, the  
2 Commission's Compliance Section reports that no compliance items or delinquencies have been  
3 reported for the Applicant. Per the Staff Report, the Corporations Division reports no information for  
4 the Applicant.

5 4. Staff recommends approval of John Wiser's application to cancel its CC&N.

6 5. Staff's recommendation is reasonable and should be adopted.

7 **CONCLUSIONS OF LAW**

8 1. Applicant is a public service corporation within the meaning of Article XV of the  
9 Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

10 2. The Commission has jurisdiction over John Wiser and the subject matter of the  
11 application.

12 3. The cancellation of John Wiser's CC&N to provide COPT services in Arizona is in  
13 the public interest.

14 4. The Applicant waives its right to notice and a hearing in this matter.

15 5. Staff's recommendation is reasonable and should be adopted.

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**ORDER**

IT IS THEREFORE ORDERED that John Wiser d/b/a CacTel (Cactus Telecommunication)'s Certificate of Convenience and Necessity granted in Decision No. 61809 (June 29, 1999), to provide customer owned pay telephone services in Arizona is hereby canceled.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

CHAIRMAN

COMMISSIONER

COMMISSIONER

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, JODI A. JERICH, Executive Director of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

JODI A. JERICH  
EXECUTIVE DIRECTOR

DISSENT \_\_\_\_\_

DISSENT \_\_\_\_\_  
SP:ru

1 SERVICE LIST FOR:

JOHN WISER D/B/A/ CACTEL (CACTUS  
TELECOMMUNICATION)

2  
3 DOCKET NO.:

T-03712A-15-0046

4 John Wiser d/b/a CacTel (Cactus Telecommunication)

5 c/o Mrs. Anne Wiser  
2476 W. Del Oro Lane  
Yuma, AZ 85364

6 Janice Alward, Chief Counsel  
Legal Division

7 ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
8 Phoenix, AZ 85007

9 Steven Olea, Director  
Utilities Division

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